

**Lara Johnson, OSB #933230**

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**Attorney for Plaintiff**

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**EUGENE DIVISION**

ELIJAH SARTAIN,  
Plaintiff,

Case No.:

v.

COMPLAINT

HESSE & SONS DAIRY, LLC, a  
Limited Liability Company,  
Defendant.

PERSONAL INJURY - NEGLIGENCE  
(28 U.S.C. § 1332(a))

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For his claim for personal injury, Plaintiff Elijah Sartain states:

**INTRODUCTORY STATEMENT**

1.

This action is filed by Plaintiff Elijah Sartain pursuant to 28 U.S.C. § 1332(a) for the injuries and losses he sustained when a commercial vehicle owned and operated by

**COMPLAINT - 1**

Defendant Hesse & Sons Dairy, LLC, failed to slow and stop for stopped traffic on Interstate 5, and crashed into the back of Elijah Sartain's vehicle, causing him to sustain the serious injuries and losses set forth below.

2.

Venue is proper under 28 § U.S.C. 1402(b) in that Defendant Hesse & Sons Dairy, LLC's principal place of business is in Marion County, which is in this judicial district. Further, the collision which is the subject of this case occurred just north of Albany, in Linn County, which is also in this judicial district.

#### **PARTIES**

3.

Defendant Hesse & Sons Dairy, LLC, is a limited liability company that is a resident of Oregon.

4.

Plaintiff Elijah Sartain is a resident of Tennessee.

#### **FACTUAL ALLEGATIONS**

5.

Defendant Hesse and Sons Dairy, LLC ("Defendant LLC") is in the agriculture business and is engaged in commercial transportation operations. Defendant LLC owns and operates fifty-five vehicles which it uses in its business. An employee and agent of Defendant LLC, at all relevant times, was driving the truck involved in the crash.

6.

On or about April 19, 2023, traffic on southbound Interstate 5 near Exit 235 had slowed and then stopped, with traffic in both southbound lanes completely stopped. At this location, Interstate 5 is a straight and level public highway with unobstructed visibility for southbound drivers. On information and belief, Defendant's truck was traveling in the right lane, and then swerved into the left lane without slowing. Defendant's truck then smashed into Plaintiff Elijah Sartain's vehicle, causing the serious injuries detailed below.

7.

Defendant LLC was negligent in one or more of the following ways:

- (a) In driving faster than was reasonable under the conditions;
- (b) In not maintaining a vehicle under reasonable control;
- (c) In not maintaining a reasonable lookout for other vehicles on the roadway;
- (d) In failing to stop for stopped traffic ahead; and
- (e) In failing to stop for traffic, in violation of Oregon Revised Statute (ORS)

811.260.

8.

Plaintiff Elijah Sartain was within the class of persons foreseeably put at unreasonable risk by Defendant's acts and omissions. As a business engaging in commercial transport operations and using roadways in Oregon, Defendant knew or should have known that each of the acts or omissions described below would foreseeably put others on the highway at risk,

that such acts or omissions risked serious injury to others, that repeated incidences of such acts or omissions would predictably lead to repeated incidents of serious injury, and that such injuries were preventable in the exercise of reasonable care:

- (a) If its driver drove faster than was reasonable considering the conditions;
- (b) If its driver failed to keep a vehicle under reasonable control;
- (c) If its driver failed to maintain a reasonable lookout for other vehicles;
- (d) If its driver failed to stop for stopped traffic in front of them; and
- (e) If its driver failed to stop for traffic, in violation of statutory rule of the road for drivers set out in ORS 811.260.

9.

The negligence of Defendant LLC, in one or more of the ways above described above, caused the crash and caused Elijah Sartain to sustain injuries to his head, neck, shoulder, and back, and to suffer emotional shock and trauma. The injuries have caused, and those that are persistent will continue to cause, Elijah Sartain to suffer pain, discomfort, inconvenience, and interference with his normal and usual activities. Plaintiff Elijah Sartain may seek to amend this complaint, as he is still treating for these crash injuries. All of these human (non-economic) harms are in an amount to be determined by the jury at trial based on the law and the evidence, not to exceed \$725,000, in accordance with the law.

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10.

As a result of the described injuries, Elijah Sartain has required the services of physicians, nurses, therapists, and other treatment providers, along with medications. He will require additional healthcare treatment and services in the future. As a result of these described injuries, Plaintiff Elijah Sartain has had to miss time from work, incurring a loss of income, and he has suffered an impairment of earning capacity. All of these economic harms are in a reasonable and necessary amount to be determined by the jury at trial based on the law and the evidence, not to exceed \$386,822. Plaintiff Elijah Sartain reserves the right to move the Court to amend regarding these losses, in accordance with the law.

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**COMPLAINT - 5**

**PRAYER**

WHEREFORE, Plaintiff Elijah Sartain prays for a judgment against Defendant Hesse & Sons Dairy, LLC, as follows:

- 1) For his non-economic damages, in accordance with the evidence and the law, not to exceed \$725,000;
- 2) For his economic damages, in accordance with the evidence and the law, not to exceed \$386,822; and
- 3) For his costs and disbursements incurred.

Dated: April 16, 2025

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